IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 19002 of 2004(K)

PETITIONER:

FAIZAL BABU,KUMMALIL HOUSE,
ANANTHAVOOR,THIRUNAVAYA.

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENTS:

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1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
MALAPPURAM.

2. THE DEPUTY TAHSILDAR (RR),
THALUK OFFICE,THIRUR.

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
R2 BY G.P.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE REGISTRATION CERTIFICATE DT.9.5.2002.

P2: TRUE COPY OF TEMPORARY PERMIT DT.17.5.02.

P3: .DO. DT.27.5.02.

P4: .DO. DT.27.10.02.

P5: TRUE COPY OF DEMAND NOTICE DT.7.4.2004.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.19002 of 2004

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Dated this the 27th day of November, 2007.

JUDGMENT

Even though petitioner is challenging recovery proceedings for recovery of arrears of Motor Transport Workers Welfare Fund for the year 2002-2003 on the ground that proper adjudication is not issued, it is seen from the adjudication order produced that demand is only for three workers. The petitioner is not denying operation of the vehicle which is a stage carriage during the relevant year. The only case of the petitioner is that employees were casual workers. However, petitioner has not produced the names and addresses of all casual workers engaged to show that each one did not have the minimum period of service that attracts liability. Since demand is based on enquiry and is only for three workers, challenge against the same is not tenable. The WP. is therefore deovid of any merit and is dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms